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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,816	04/07/2005	Hiroshi Honda	SAEG181.001APC	3755
20995	7590	01/25/2008	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			MAUST, TIMOTHY LEWIS	
		ART UNIT	PAPER NUMBER	
		3751		
		NOTIFICATION DATE	DELIVERY MODE	
		01/25/2008	ELECTRONIC	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com  
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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/531,816	HONDA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Timothy L. Maust	3751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 07 April 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-13 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-11 and 13 is/are rejected.
- 7) Claim(s) 12 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/05, 11/06</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Specification***

The abstract of the disclosure is objected to because The superfluous language "The invention provides" should be deleted, and "(selected drawing) Fig. 1" should be deleted. Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 8 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Niki et al.

In regard to claims 1 and 8, the Niki et al. reference discloses a "suspender forming structure" comprising a "strip of stretchable plastics film" 31 (see page 8, paragraph 3), as claimed.

In regard to claim 10, inasmuch structure that is defined by a "medication container", the tissue box 1 meets the claim limitation.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2-6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Niki et al.

In regard to claims 2-6, the Niki et al. reference discloses the invention (discussed supra) including, but doesn't disclose the explicate properties of the suspender 31 having:

An elongation break in the range of 500%,

A modulus of elasticity of 10% or less,

An initial strength in the range of 5 to 70N,

A tensile stress in the range of 1 to 1.5; and

A thickness of 50 to 500 micrometers.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a strap having the above parameters, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105

In regard to claim 9, It would have been an obvious matter of design choice to have a colored suspender, since applicant has not disclosed that a colored suspender

solves any stated problem or is for any particular purpose and it appears that the invention would perform equally with or without a color.

Claims 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoji et al. (2000-70341) in view of Niki et al.

The Shoji et al. reference discloses a "medication container" (see Figures 1, 2 and 6) comprising a "suspender" 10, a "double ended needle" 2 and "support ring" 9, but doesn't disclose the suspender being a strip of stretchable plastics film. However, the Niki et al. reference discloses a "suspender forming structure" comprising a "strip of stretchable plastics film" 31 (see page 8, paragraph 3) to hold a container in a suspended manner by stretching the suspender over existing structures. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute a stretchable suspender for the suspender on the Shoji et al. device in view of the Niki et al. reference in order to provide a suspender that can be stretched over and suspended from various structures.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Niki et al. in view of Dobashi (1982-101739).

The Niki et al. reference discloses the invention (discussed supra) including, but doesn't disclose the suspender 31 having a rib. However, the Dobashi reference discloses another suspender (see Figure 3) having ribs 8 in order to maintain the shape of the suspender. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the suspender of the Niki et al. device

to have ribs in view of the teachings of the Dobashi et al. reference in order to maintain the shape of the suspender.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited prior art pertains to various suspended structures, similar to Applicant's device.

***Allowable Subject Matter***

Claim 12 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy L. Maust whose telephone number is (571) 272-4891. The examiner can normally be reached on Mon. - Thur. 6:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Huson can be reached on (571) 272-4883. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Timothy L Maust/  
Primary Examiner  
Art Unit 3751

Tlm  
1/9/08